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**STATEMENT BY MR. JUMA DAVLATOV,
STATE ADVISER OF THE PRESIDENT OF TAJIKISTAN ON
LEGAL POLICY, AT THE 2010 OSCE REVIEW CONFERENCE**

Warsaw, 5 October 2010

**Working session 5: Rule of law II, including: exchange of views on
abolition of capital punishment; prevention of torture; protection of
human rights and fighting terrorism**

Capital punishment in Tajikistan

Mr. Chairperson,
Ladies and gentlemen,

At the present stage in the building of our State the question as to whether or not we should have capital punishment in our society is taking on particular relevance.

It has to be acknowledged that the attitude as regards the problem of capital punishment in our country is gradually changing for the better. Evidence of this can be seen in the fact that the range of crimes for which capital punishment is contemplated has been limited and that a moratorium on the imposition and carrying out of capital punishment was declared beginning in 2004.

The broad public discussion of this problem at various levels is of great importance in this regard. It appears that our country is taking a forward-looking view of the problem of capital punishment and that we shall in the very near future arrive at its total abolition.

There were definite reasons for the retention of capital punishment up to the year 2004 in the Republic of Tajikistan, considering that our country had experienced a civil war during the period from 1992 to 1997. Another reason lies in the sense of law held by each member of society and the need to raise awareness in this regard. This is confirmed by the fact that opinions in favour of capital punishment are deeply rooted in Tajik society. For example, a recent sociological poll revealed that more than half of all Tajiks were in favour of retaining this form of punishment.

In the light of this state of affairs, information and explanatory work has been initiated to resolve the problem of the abolition of capital punishment on a step-by-step basis and in a way that involves civil society.

It should be noted that it is usually difficult for public opinion to accept the notion of excluding the death sentence from the range of available punishments for crime.

Considering all these points, it is in our opinion above all necessary, if this problem is to be resolved, to analyse the existing practices throughout the world and the legislation of other countries in this respect.

Guided by the principles of humanism and democracy and recognizing the supreme value of the individual human being, there is every reason to believe that our legal system is acquiring stability, authority and dynamism by virtue of its increasing effectiveness in ordering social relationships.

When speaking of the question of capital punishment one must mention that since the time the moratorium was declared our country has had to confront the problem of where to hold those persons who have been sentenced to life imprisonment. As you may be aware, this form of punishment has been added to the Criminal Code of the Republic of Tajikistan since 1 March 2005 as an alternative punishment to the death sentence. The number of persons serving sentences of this kind has increased, and special premises, which do not yet exist, are required for their detention. In addition to this, there is a need to thoroughly modernize the correctional institutions so as to improve the conditions under which prisoners are held.

At the present time our country is taking the necessary steps to deal with the question of the abolition of capital punishment. To that end, the President has set up a working group to study the legal and social bases for the existence of capital punishment in the legislation of the Republic of Tajikistan. This working group consists of a number of high-ranking officials and academics. A plan of action has been drawn up providing for: an examination of worldwide practices and of the national legislation of those countries that have abolished capital punishment; an analysis of the crime situation before and after the introduction of moratoriums on capital punishment; the holding of seminars, round tables and training sessions on this problem, involving various segments of society; sociological research, etc.

It is planned that non-governmental organizations will also be involved in this work.

In conclusion, I should like to express the hope for your understanding, support and co-operation as we study and seek to resolve this problem.

Thank you for your attention.